

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15336 of 2004

Between:

1 M/s.Cybermate Infotech Limited, a public
Limited company, registered under the
Indian Companies Act, 1956, represented
By its Managing Director Mr.P.C.Pantulu
S/o late P.Chinnarayudu, aged 57 years,
Having its office at 11, Sripuri Colony,
Kakaguda, Karkhana, Secunderabad-500 015.

2 Mr.K.S.Shiv Kumar, S/o Sri K.S.Murthy,
Aged 36 years, R/o 501, Sneha Enclave,
West Marredpally, Secunderabad.

..... PETITIONER(S)

AND

1 The Recovery Officer, Employees Provident Fund,
Andhra Pradesh, Hyderabad, Bhavishyanidhi Bhavan,
3-4-763, Barkatpura, Hyderabad-500 027.

2 The Authorised Officer/Deputy Commissioner

Employees Provident Fund Andhra Pradesh,
Hyderabad, Bhavishyanidhi Bhavan,
3-4-763, Barkatpura, Hyderabad-500 027.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant a writ, order or direction, more so in the nature of writ of certiorari, calling for the records of proceedings of the first respondent in proceedings No.AP/RO/AP/31519/Recovery Cell/2004, dated 24-08-2004 and declaring the same as illegal, arbitrary and violative of provision of Employees Provident Fund and Miscellaneous Provisions Act, 1952 and also violative of Article 14 and 21 of the Constitution of India, consequently quash and set aside the same.

Counsel for the Petitioner:MR.R.RAGHUNANDAN

Counsel for the Respondents: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents and both of them agreed to dispose of the writ petition at the admission stage.

The amount due from the first petitioner-company as assessed by the respondents under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, is not disputed.

Learned counsel for the petitioners submits that due to the financial crisis and closing down of the industries in the State, they have not paid the amount and that too without considering the same, the first respondent issued proceedings dated 24-08-2004 stating that the second petitioner has been arrested. In view of the same, learned counsel for the petitioners stated that the first petitioner-company is agreeable to pay the due amount by way of instalments and to show their bona fide, the first petitioner-company will pay Rs.1,00,000/- (Rupees one lakh only) to the respondents within two weeks from today. On such payment, the second petitioner shall not be arrested subject to first petitioner-company deposits the balance due amount in ten (10) equal monthly instalments i.e. Rs.1,00,000/- each on or before 10th of every succeeding month from October, 2004 onwards.

The writ petition is accordingly disposed of. No costs.

27th August, 2004.

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To

1 The Recovery Officer, Employees Provident Fund,
Andhra Pradesh, Hyderabad, Bhavishyanidhi Bhavan,
3-4-763, Barkatpura, Hyderabad-500 027.

2 The Authorised Officer/Deputy Commissioner,
Employees Provident Fund, Andhra Pradesh,
Hyderabad, Bhavishyanidhi Bhavan,
3-4-763, Barkatpura, Hyderabad-500 027.

3 Two CD copies.